



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed December 16, 2021


United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

HIGHLAND CAPITAL MANAGEMENT, L.P.,
Plaintiff,

vs.

HIGHLAND CAPITAL MANAGEMENT FUND
ADVISORS, L.P.

Defendant.

§ Chapter 11
§ Case No. 19-34054-sgj11
§
§
§ Adversary Proceeding No.
§ 21-03082-sgj
§
§

ORDER APPROVING STIPULATION REGARDING SCHEDULING ORDER

Upon consideration of the *Stipulation and Proposed Scheduling Order* [Docket No. 6] (the

¹ The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

“Stipulation”)² entered into between Highland Capital Management, L.P., the reorganized debtor³ (“Highland”) in the above-captioned chapter 11 case (“Bankruptcy Case”) and the plaintiff in the above-captioned adversary proceeding (the “Adversary Proceeding”), and Highland Capital Management Fund Advisors, L.P. (“HCMFA”, and together with Highland, the “Parties”), it is

HEREBY ORDERED THAT:

1. The Stipulation, a copy of which is attached hereto as Exhibit A, is **APPROVED**.
2. The Stipulation shall become effective immediately upon entry of this Order.
3. With respect to the Adversary Proceeding, the Parties shall abide by the following pretrial schedule (the “Joint Pretrial Schedule”) in lieu of that provided in the Alternative Scheduling Order:

| <i>Proposed Joint Scheduling Order</i> | |
|---|--------------------------|
| <u>Event</u> | <u>Deadline</u> |
| 1. Service of Written Discovery Requests | January 31, 2022 |
| 2. Service of Written Responses to Discovery | February 28, 2022 |
| 3. Completion of Fact Discovery | March 28, 2022 |
| 4. Expert Disclosures | April 4, 2022 |
| 5. Completion of Expert Discovery | May 27, 2022 |
| 6. Dispositive Motions | May 27, 2022 |
| 7. Exhibit and Witness Lists | June 27, 2022 |
| 8. Joint Pretrial Order | July 1, 2022 |
| 9. Proposed Findings of Fact and Conclusions of Law | July 1, 2022 |

² Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Stipulation.

³ On February 22, 2021, the Bankruptcy Court entered the *Order (i) Confirming the Fifth Amended Plan of Reorganization (as Modified) and (ii) Granting Related Relief* [Bankr. Docket No. 1943] (the “Confirmation Order”) which confirmed the *Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.*, as modified (the “Plan”). The Plan went Effective (as defined in the Plan) on August 11, 2021, and Highland is the Reorganized Debtor (as defined in the Plan) since the Effective Date. *See Notice of Occurrence of Effective Date of Confirmed Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.* [Bankr. Docket No. 2700].

| | |
|-----------------------|--|
| 10. Trial Docket Call | July 11, 2022 at 1:30 p.m. (CT) |
|-----------------------|--|

4. The Joint Pretrial Schedule set forth in this Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Order, subject to any objection to the Court's jurisdiction or core jurisdiction and subject to any motion for the withdrawal of the reference, with respect to which all parties reserve their rights, if any.

###End of Order###

EXHIBIT A

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

§
§ Chapter 11
§
§ Case No. 19-34054-s gj11

Reorganized Debtor.

§
§
§ Adversary Proceeding No.
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HIGHLAND CAPITAL MANAGEMENT, L.P.,
Plaintiff,

§ Adversary Proceeding No.

vs.

HIGHLAND CAPITAL MANAGEMENT FUND
ADVISORS, L.P.

§ 21-03082-s gj

Defendant.

¹ The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

STIPULATION AND PROPOSED SCHEDULING ORDER

This stipulation (the “Stipulation”) is made and entered into by and between Highland Capital Management, L.P., as the reorganized debtor (“Highland” or “Plaintiff”), and Highland Capital Management Fund Advisors, L.P. (“HCMFA” or “Defendant”, and together with Highland, the “Parties”), by and through their respective undersigned counsel.

RECITALS

WHEREAS, on October 16, 2019 (the “Petition Date”), Highland filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue of Highland’s bankruptcy case (the “Bankruptcy Case”) to this Court;

WHEREAS, on January 22, 2021, Highland filed its *Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified)* [Bankr. Docket No. 1808] (the “Plan”);

WHEREAS, on February 22, 2021, the Bankruptcy Court entered the *Order Confirming the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified) and (ii) Granting Related Relief* [Bankr. Docket No. 1943] (the “Confirmation Order”) which confirmed Highland’s Plan.

WHEREAS, on August 11, 2021, the Plan became Effective (as defined in the Plan), and Highland became the Reorganized Debtor (as defined in the Plan). *See Notice of Occurrence of Effective Date of Confirmed Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.* [Bankr. Docket No. 2700].

WHEREAS, on November 9, 2021, Highland commenced the above-captioned adversary

proceeding (the “Adversary Proceeding”) against HCMFA by filing its complaint [Docket No. 1]² (the “Complaint”);

WHEREAS, on November 10, 2021, the Court issued its *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Docket No. 3] (the “Alternative Scheduling Order”);

WHEREAS, the Parties have conferred and desire to enter into a mutually agreeable proposed schedule, as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. The Parties agree to the following schedule (the “Proposed Joint Scheduling Order”) in lieu of that provided in the Alternative Scheduling Order:

| <i>Proposed Joint Scheduling Order</i> | |
|---|--|
| <u>Event</u> | <u>Deadline</u> |
| 1. Service of Written Discovery Requests | January 31, 2022 |
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| 9. Proposed Findings of Fact and Conclusions of Law | July 1, 2022 |
| 10. Trial Docket Call | July 11, 2022 at 1:30 p.m. (CT) |

² Refers to the docket number maintained in the Adversary Proceeding.

2. If approved by the Court, the Proposed Joint Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation, subject to any objection to the Court's jurisdiction or core jurisdiction and subject to any motion for the withdrawal of the reference, with respect to which all parties reserve their rights, if any.

[Remainder of Page Intentionally Blank]

Dated: December 10, 2021.

STINSON LLP

/s/ Michael P. Aigen

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